



Minnesota Pollution Control Agency

10/09/2003

Mr. Thomas L Holstrom
Sr Environmental Engineer
Medtronic Inc
3850 Victoria St N
Shoreview, MN 55126

RE: Air Emission Registration Permit No. 00300232 - 001

Dear Mr. Holstrom:

Enclosed is Air Emission Registration Permit No. 00300232 - 001 for your Medical Devices Facility located at 1385 115th Ave NW, Coon Rapids, Anoka County, Minnesota.

Please review Minn. Rules pts. 7007.1110 (*Registration Permit General Requirements*) and Minn. Rules pts. 7007.1125 (*Option C Requirements*) to familiarize yourself with your permit conditions and requirements. Distribute the permit to staff members responsible for ensuring compliance with the conditions and limitations in your permit. If appropriate, post the permit at the facility.

Enclosed you will find a factsheet which summarizes some common Minnesota Air Quality Rules. The rules in the factsheet apply to all businesses, regardless of whether or not they need a permit. This factsheet was developed primarily to accompany Registration Permits because, unlike regular operating permits, Registration Permits do not list the rules that apply to your facility. If you are not familiar with the Minnesota Air Quality Rules, you may find this factsheet helpful. However, you should be aware that this factsheet only lists rules that apply to everyone; it does not tell you what other specific rules may apply to your business. You are still responsible for knowing and following any specific rules and regulations applicable to your business.

If you have any questions about this registration permit, please contact me at (651) 282-5848.

Sincerely,

Fereshteh Rahimzadeh
Pollution Control Specialist
Construction Unit
Majors Air and Construction Section
Majors and Remediation Division

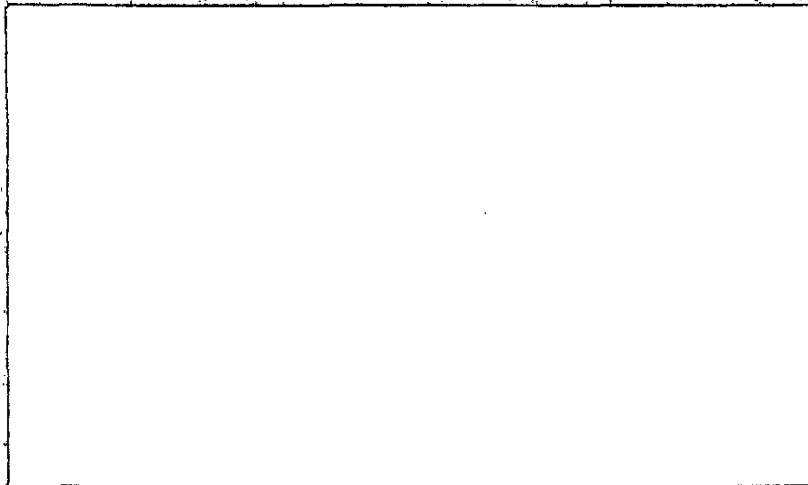
Enclosure

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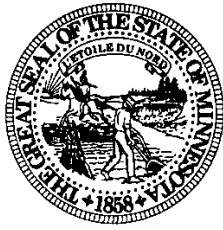
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Medtronic PRL_Coon Rapids_2003_Permit_NonCBI - 000001



Minnesota Pollution Control Agency

520 Lafayette Road-North
St. Paul, Minnesota 55155-4194



AIR EMISSION PERMIT NO. 00300232 - 001
'OPTION C' REGISTRATION PERMIT
FOR A
MEDICAL DEVICES FACILITY

According to Minnesota Statutes Chapter 115 and 116, Minnesota Rules Chapters 7001 and 7007, and 40 CFR part 52, subp. Y:

Medtronic Inc
3850 Victoria St N
Shoreview, MN 55126

(hereinafter Permittee) is issued an Air Emission Registration Permit by the Minnesota Pollution Control Agency for its Medtronic Physiological Research Lab PRL facility located at:

1385 115th Ave NW
Coon Rapids, Anoka County, Minnesota.

The permit authorizes modification, construction, reconstruction, and operation of the stationary source under the conditions set forth below.

Issue Date: 10-09-2003

Expiration: Pursuant to Minn. Rules pt. 7007.1050, subp. 3a, the permit shall be considered not to expire until a new permit is issued.

Compliance Requirements: The Permittee shall comply with Minn. Rules pts. 7007.1110 (Registration Permit General Requirements) and 7007.1125 (Option C Requirements) and all applicable requirements.

A handwritten signature in black ink, appearing to read "Sheryl Corrigan", is written over a horizontal line.

for Sheryl Corrigan
Commissioner
Minnesota Pollution Control Agency



Facts about General Air Quality Rules

The following is a summary of the state air quality rules to which every business in Minnesota is subject. These rules apply whether a facility needs an air emission permit or not.

Air Emission Fees (Minn. R. 7002.0005 - 7002.0085)

This rule identifies who pays fees, the types of fees, the amount of the fees and how the fees are determined. New Facility Fees and Indirect Source Fees are fixed amounts and are listed in the rule.

Air Emission Fees are determined through a formula described in the rule. The fee is assessed to each facility annually as a per-ton charge on actual emissions from the facility.

A process to resolve errors provides for a refund if an error results in an over-assessment of fees. Late charges may be added if fees are not paid on time. The rule also describes the formula that determines the size of the Air Quality budget.

A fact sheet is available on this rule.

Air Emission Permits (Minn. R. 7007.0050 - 7007.3000)

These rules explain when a facility must obtain an air emission permit, the types of permits that are available, and the procedures for obtaining permits. The rules also explain the requirements a facility is subject to when the facility is modified.

There is an Air Quality Permit Rules Fact Sheet available if you would like more information regarding these rules.

Industrial Process Equipment Rule (Minn. R. 7011.0700 - 7011.0735)

Industrial process equipment can create airborne dust or particulate matter as a normal part of its operation. For many types of equipment, such as boilers, specific state rules or federal regulations limit the amount of particulate matter that may be emitted to the atmosphere. Particulate matter emissions from equipment to which no specific state rule or federal regulation applies are limited under the general "Industrial Process Equipment Rule." These limits vary depending on operating conditions. The rule includes a maximum limit that is not to be exceeded.

The owner or operator of a facility is responsible for determining the limit imposed by the rule and must meet the limit at all times.

A fact sheet providing more specific information is available.

Ambient Air Quality Standards (Minn. R. 7009.0010 - 7009.0080)

This rule establishes the maximum allowable concentrations of pollutants that may exist in the air, averaged over a specified period of time.

These maximum concentrations vary among pollutants, but all established standards protect public health and welfare, as required by the Code of Federal Regulations Title 40, part 50, National Primary and Secondary Ambient Air Quality Standards.

Emissions from stationary sources, either alone or as a group, may cause a violation of an applicable standard. No facility may emit any pollutant in such an amount or in such a manner as to cause or contribute to a violation of this standard.

The MPCA may request that a facility provide information necessary to demonstrate compliance with ambient air quality standards. In some cases, the MPCA may require performance tests and/or air dispersion modeling.

Note: Part 70 permits will require modeling during the first permit term, if potential emissions of sulfur dioxide, nitrogen oxides, or fine particulate matter exceed 100 tons per year.

Applicability of Standards of Performance (Minn. R. 7011.0010)

This rule states that an owner or operator of an existing emission facility must comply with all applicable state air pollution control rules for existing emission facilities.

The rule also states that an owner or operator who constructs, modifies, or reconstructs an emission facility shall comply with applicable federal New Source Performance Standards, and the standards of performance for a new facility as set forth in the state air pollution control rules.

Circumvention (Minn. R. 7011.0020)

This rule states that no person shall install or use a device or means that conceals or dilutes emissions that would otherwise violate a federal or state air pollution control rule without reducing the total amount of pollutant emitted.

Emission Standards for Visible Air Contaminants (Minn. R. 7011.0100 - 7011.0115)

This standard applies to any emission facility for which no other specific performance standard exists. An existing emission facility subject to this standard cannot discharge into the atmosphere any gases displaying more than 20 percent opacity, except that a maximum of 40 percent opacity is allowed for four minutes during any 60 minute period.

A new emission facility cannot discharge into the atmosphere any gases displaying more than 20 percent opacity, without exception. The MPCA may require a facility to conduct a performance test to demonstrate compliance with the standard. Any required performance test shall use the methods described in the rules for visual determination of opacity, unless the MPCA approves another method.

Preventing Particulate Matter From Becoming Airborne (Minn. R. 7011.0150)

This rule states that no person shall cause or permit the handling, use, transportation, or storage of any material in a way that may allow avoidable amounts of particulate matter to become airborne.

In addition, no person shall allow a building or its additions, a road, a driveway, or an open area to be constructed, used, repaired, or demolished without applying reasonable measures necessary to prevent particulate matter from becoming airborne.

The MPCA may require reasonable control measures including, but not limited to paving or frequent clearing of roads, driveways, and parking lots; application of dust-free surfaces; application of water; and the planting and maintenance of vegetative ground cover.

Continuous Monitoring (Minn. R. 7017.1000)

This rule gives the MPCA Commissioner the authority to require facilities to install and conduct performance evaluations of continuous emissions monitoring systems (CEMS). The rule includes requirements for frequency of data collection, calibration and adjustments, and data reduction.

Monitoring system specifications are found in 40 CFR 60, appendix B.

Performance Tests (Minn. R. 7017.2001 - 7017.2060)

The performance test rule must be followed when a facility conducts any air emission test. This rule describes notification, reporting, quality assurance, and required operating conditions for performance testing.

A company that conducts a performance test must give the MPCA written notice of testing and submit a test plan at least 30 days in advance of the planned testing. A pre-test meeting must be held at least seven working days prior to the test in order to discuss and finalize the test plan.

Within 45 days of completing the test, the facility must submit a report containing the results of the test and documenting the operating conditions of the emission unit.

More detail on this rule can be found in a separate fact sheet.

Reports (Minn. R. 7019.2000)

This rule states that an owner or operator who is required to install a continuous

emissions monitoring system (CEMS) shall submit a written report of excess emissions for every calendar quarter. This report is required to be postmarked by the thirtieth day following the end of each calendar quarter.

The report must identify time periods during which the monitoring system was inoperative. The rule requires that owners and operators maintain files of all measurements and maintain records of facility operation and periods during which the continuous monitoring system is inoperative.

Emission Inventory (Minn. R. 7019.3000 - 7019.3100)

The Emission Inventory rule states that any facility required to obtain a state or Part 70 permit and all facilities with the potential to emit 25 tons per year or more of any criteria pollutant must submit annual inventories to the MPCA by April 1st of the year following the year being reviewed.

Emission inventories quantify the amount of pollutants a facility releases into the environment each year. Emission factors from EPA document AP-42 and those derived by the MPCA will be used by default unless a facility quantifies its emissions with one of the following acceptable methods:

- Continuous Emission Monitoring System (CEMS) results for the year in question;
- Stack Tests (Performance Tests) results for the year in question;
- Volatile Organic Compound (VOC) material balance; or
- Sulfur Dioxide (SO₂) material balance.

A fact sheet on the inventory and fee rule is available.

Motor Vehicles (Minn. R. 7023.0100 - 7023.0120)

This standard regulates the emission of visible air contaminants from internal

combustion engines powering motor vehicles designed for use on public highways. This rule separates vehicles powered by diesel cycle engines from other internal combustion engines.

Diesel cycle engines manufactured prior to January 1, 1973, may not emit visible air contaminants over 20 percent opacity for more than 20 consecutive seconds, while those manufactured after January 1, 1973, may not emit more than 10 percent opacity for the same time period.

Vehicles powered by any other engine may not emit visible air contaminants at any opacity level for more than 10 consecutive seconds, regardless of manufacture date. The emission restrictions mentioned above also apply to other internal combustion engines, such as those found in trains, boats, and construction equipment.

This rule also restricts tampering with the air pollution control systems on motor vehicles. With the exception of repair or replacement, no person may remove, alter, or make pollution control equipment inoperative. In addition, ownership of a motor vehicle cannot be transferred unless all air pollution control systems are in place and in operating condition.

Noise Pollution Control (Minn. R. 7030.0010 - 7030.0080)

These rules describe the maximum sound levels allowed under different scenarios. No person may violate these standards, which establish three noise area classifications with respectively increasing levels of allowable sound.

The first classification includes lodging and residential locations, along with educational, religious, and cultural entertainment activities.

The second classification applies to transportation passenger terminals (e.g. bus, rail, marine, air, and auto), most retail and recreational activities.

The third classification includes most manufacturing facilities, modes of material transportation (e.g. bus, rail, marine, auto, air), and natural resource production and extraction activities, such as agriculture, forestry, and mining.

The MPCA can require a facility to conduct sound measurements to demonstrate compliance with the applicable noise standard.

To obtain additional information or fact sheets on any of these topics, please call the Air Quality Document Coordinator at (651)282-5843.

Printed copies of the rules are available from the Minnesota Bookstore. To order a copy, you may contact the bookstore at (651)297-3000.



Printed on paper containing at least 20 percent fibers from paper recycled from consumers.

Minnesota Rules, Table of ChaptersTable of contents for Chapter 7007**7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.**

Subpart 1. **Stationary sources that may obtain a registration permit.** A stationary source that qualifies for a registration permit under this part and part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130 (Option D) may elect to apply to the commissioner for a registration permit instead of a part 70, state, or general permit, except as provided in subpart 2.

Subp. 2. **Stationary sources that may not obtain a registration permit.**

A. A stationary source may not obtain a registration permit if it is required to obtain a permit under parts 7007.0200, subpart 3 (acid rain affected sources), 7007.0200, subpart 4 (solid waste incinerators, waste combustors), 7007.0200, subpart 5 (other part 70 sources), 7007.0250, subpart 3 (state implementation plan required state permit), or 7007.0250, subpart 6 (waste combustors).

B. A stationary source may not obtain a registration permit if air quality specific conditions or limits not contained in parts 7007.1110 to 7007.1130 were assumed:

(1) as a mitigation measure in an environmental impact statement; or

(2) in obtaining a negative declaration in an environmental assessment worksheet.

C. A stationary source may not obtain a registration permit if it is subject to a new source performance standard other than the following:

(1) Code of Federal Regulations, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (incorporated by reference in part 7011.0570);

(2) Code of Federal Regulations, title 40, part 60, subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After June 11, 1973 and Prior to May 19, 1978 (incorporated by reference in part 7011.1520, item A);

(3) Code of Federal Regulations, title 40, part 60, subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After May 18, 1978 and Prior to July 23, 1984 (incorporated by reference in part 7011.1520, item B);

(4) Code of Federal Regulations, title 40, part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Storage Vessels) for Which Construction, Reconstruction or Modification Commenced After July 23, 1984 (incorporated by reference in part 7011.1520, item C);

(5) Code of Federal Regulations, title 40, part 60, subpart DD, Standards of Performance for Grain Elevators (incorporated by reference in part 7011.1005, subpart 2);

(6) Code of Federal Regulations, title 40, part 60, subpart EE, Standards of Performance for Surface Coating of Metal Furniture (incorporated by reference in part 7011.2550);

(7) Code of Federal Regulations, title 40, part 60, subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances (incorporated by reference in part 7011.2565);

(8) Code of Federal Regulations, title 40, part 60, subpart JJJ, Standards of Performance for Petroleum Dry Cleaners (incorporated by reference in part 7011.3250);

(9) Code of Federal Regulations, title 40, part 60, subpart OOO, Standards of Performance for Nonmetallic Mineral Processors (incorporated by reference in part 7011.3350);

(10) Code of Federal Regulations, title 40, part 60, subpart TTT, Standards of Performance for Industrial Surface Cleaning of Plastic Parts for Business Machines (incorporated by reference in part 7011.2580); and

(11) Code of Federal Regulations, title 40, part 60, subpart I, Standards of Performance for Hot Mix Asphalt Facilities (incorporated by reference in part 7011.0909).

Subp. 3. **Registration permit application.** Items A to D apply to registration permit applications submitted under parts 7007.1110 to 7007.1130.

A. The owner or operator of a stationary source must apply for a registration permit prior to the applicable deadline in parts 7007.0350 and 7007.0400. If the owner or operator has submitted a complete application for a state, part 70, or general permit prior to the application deadline in part 7007.0350 or 7007.0400 and is eligible for a registration permit, then the owner or operator may apply for a registration permit and shall request to have the original application voided.

B. The owner or operator of a stationary source must submit the registration permit application on a standard application form provided by the commissioner. The commissioner may create different application forms for the different registration permit options available under parts 7007.1115 to 7007.1130.

C. Any owner or operator of a stationary source who fails to submit any relevant facts or who has submitted incorrect information in an application for a registration permit shall, upon becoming aware of such failure or incorrect information, promptly submit to the commissioner such supplementary facts or corrected information. This requirement applies both while the permit application is pending before the commissioner and after a registration permit is issued.

D. If the commissioner determines during review of the application that additional information is needed to evaluate the registration permit application or to verify that the stationary source qualifies for a registration permit under

parts 7007.1110 to 7007.1130, the commissioner may request the information from the applicant, and the applicant shall submit the information to the commissioner by the date specified in the request.

Subp. 4. **Registration permit certifications.** All registration permit applications, reports, and recordkeeping, testing, or monitoring submittals to the commissioner under parts 7007.1110 to 7007.1130 shall include a certification made by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. The certification that is submitted with a registration permit application must additionally state that the stationary source will be operated in compliance with all applicable requirements, and shall be signed by a responsible official of both the owner and the operator of the stationary source if they are not the same.

Subp. 5. **Registration permit issuance, denial, and revocation.** The commissioner shall issue a registration permit to the owner or operator of a stationary source if the owner or operator has submitted a complete application for a registration permit and the commissioner determines that the stationary source qualifies for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted, and the commissioner anticipates that the stationary source will comply with the registration permit. The commissioner shall deny an application for a registration permit if the commissioner determines that the stationary source does not qualify for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted or that the stationary source will not be able to comply with the registration permit. The grounds for permit denial in part 7007.1000, subpart 2, items B to G, also constitute grounds for the commissioner to deny a registration permit application. The commissioner may revoke a registration permit, if the commissioner finds that any of the grounds under subpart 16 or under part 7007.1700, subpart 1, exist, by following the procedure in part 7007.1700, subpart 2.

Subp. 6. **Registration permit content.** A registration permit shall identify the stationary source, the owner and operator of the stationary source, where the stationary source is allowed to operate, and shall state as follows: "The permittee shall comply with Minnesota Rules, part 7007.1110, part [insert 7007.1115, 7007.1120, 7007.1125, or 7007.1130, whichever one applies], and all applicable requirements."

Subp. 7. **Registration permit compliance requirements.** The owner and operator of the stationary source issued a registration permit, shall:

A. comply with this part, including the general conditions in subpart 21;

B. comply with part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130 (Option D), whichever applies;

C. comply with all applicable requirements; and

D. if a stationary source qualifies for a registration permit, but has less than 12 months of emissions

data, calculate the emission limit each month during normal operation for the first 12 months under registration permit option C or D on a form provided by the commissioner which uses one of the following formulas:

$$(1) N = 0.95 \text{ (annual limit in option C or D) } + 0.0045 \text{ (annual limit in option C or D) } (n-1)$$

Where: n = number of months in operation;

N = emission limit for month n ; or

$$(2) P = L/12$$

Where L = annual limit in option C or D.

P = the emission limit for each month.

The actual emissions for each month must be below the calculated emission limit, N or P , for each pollutant.

Subp. 8. Emission inventory required for stationary sources issued registration permits. The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must submit an annual emission inventory to the commissioner under parts 7019.3000 to 7019.3100.

Subp. 9. Record retention, access to records, and inspections for stationary sources issued registration permits.

A. The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must maintain at the stationary source, or at the main office for an unattended stationary source, for a period of five years from the date the record was made all information required to be recorded under applicable state and federal rules, and part 7007.1115, 7007.1120, 7007.1125, or 7007.1130, whichever part applies to the stationary source. The owner or operator must make these records available for examination and copying upon request of the commissioner, and must upon request submit these records to the commissioner by the time specified by the commissioner in the request. A stationary source with a registration permit may maintain records at an office of the owner or operator of the stationary source for all years prior to the current calendar year of operation.

B. The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must provide the commissioner, or an authorized representative or agent of the commissioner, access to the stationary source (including allowing the collection of samples), and records to the extent provided under Minnesota Statutes, section 116.091, or other law, upon presentation of credentials and other documents required by law.

Nothing in this subpart shall be read to limit the commissioner's, agency's, or administrator's authority under Minnesota Statutes, section 116.091, section 114 of the act, or other law.

Subp. 10. Changes or modifications at stationary sources issued registration permits that trigger certain new source performance standards. If a change or modification made at a stationary source issued a registration permit results in the

stationary source being subject to a new source performance standard listed under subpart 2, item C, or if the change or modification adds an emissions unit subject to the standards listed in part 7007.0300, the owner or operator must submit to the commissioner:

A. the information required by the standard in the time specified in the standard;

B. with the notice in item A, a written notice containing a description of the change if the change triggers a new source performance standard; and

C. with the notice in item A, a copy of the applicable new source performance standard, with the applicable portions of the new source performance standard (NSPS) highlighted (including applicable parts of Code of Federal Regulations, title 40, part 60, subpart A, General Provisions), or an NSPS checklist form provided by the commissioner that identifies applicable portions of the new source performance standard.

Subp. 11. Change rendering stationary source ineligible for a registration permit or that changes the applicable registration permit option. If the owner or operator makes a change at a stationary source issued a registration permit which increases emissions, including a change described in subpart 10, and results in the stationary source no longer being able to qualify for or meet the requirements for its registration permit, and the change is not a modification, as defined in part 7007.0100, subpart 14, then the owner or operator must:

A. within 30 days of making the change, submit a written notification to the commissioner that includes a description of the change, and a statement of what type of permit application the owner or operator will submit; and

B. if the change results in the requirement for the submittal of a registration permit application under a different option, then the registration permit application shall be submitted with the 30-day notice required under item A, or within 180 days of making the change, submit the required part 70, state, or general permit application.

If the owner or operator fails to submit the required permit application in the time required by this subpart, the owner or operator shall lose its right to operate the stationary source and shall be considered to be in violation of part 7007.0150, subpart 1. Once a stationary source has made a change rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may only become eligible for a registration permit again if it meets the requirements of subpart 14.

Subp. 12. Modification rendering stationary source ineligible for its current registration permit option. Items A to C apply to the owner or operator of a stationary source that has been issued a registration permit and that wants to make a modification which results in the stationary source no longer being able to meet the requirements for the registration permit option for which it was issued a registration permit, but which will result in the stationary source being eligible for another registration permit option.

A. The owner or operator must submit the required permit application to the commissioner before beginning actual construction on the modification.

B. The owner or operator may begin actual construction on and start-up of the modification proposed in the permit application seven working days after the permit application is received by the commissioner.

C. Until the commissioner acts on the permit application, the owner or operator must comply with the requirements of the registration permit option for which the owner or operator applied, and all applicable requirements. During this time period, the owner or operator need not comply with the registration permit requirements specific to the option under which the owner or operator currently holds a registration permit.

Subp. 13. Modification rendering stationary source ineligible for a registration permit. The owner or operator of a stationary source that has been issued a registration permit must submit a part 70, state, or general permit application before making a modification which results in the stationary source no longer qualifying for any registration permit option under parts 7007.1110 to 7007.1130. The owner or operator may not begin actual construction on the modification until the required part 70, state, or general permit for the stationary source is obtained, or an installation and operation permit for the modification is obtained under part 7007.0750, subpart 5. Once a stationary source has made a modification rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may only become eligible for a registration permit again if it meets the requirements of subpart 14.

Subp. 14. Addition of control equipment, removal of emission units, or pollution prevention practices which result in or reinstate registration permit eligibility. If through the addition of listed control equipment, permanent removal of emissions units, or implementation of pollution prevention practices the stationary source qualifies for or reinstates eligibility for a registration permit under parts 7007.1110 to 7007.1130, the owner or operator may apply for a registration permit. If the stationary source qualifies for or reinstates eligibility for a registration permit due to implementation of pollution prevention practices, the owner or operator shall submit a description of the pollution prevention practices with the registration permit application for the commissioner's review and approval. For purposes of this subpart, "pollution prevention practices" means eliminating or reducing the quantity or toxicity of regulated air pollutants, or hazardous air pollutants that are not regulated air pollutants, used by or emitted from the stationary source. Emission reductions are not reductions if the decrease is solely the result of a decrease in production at the stationary source.

Subp. 15. Change of ownership or control of stationary source issued a registration permit. Prior to a change in the ownership or control of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130, the new owner or operator must submit a change of ownership request form provided by the commissioner. If the commissioner determines that the new owner or operator meets the requirements of parts 7007.1110 to 7007.1130 for registration permit issuance, then

the commissioner shall issue the registration permit to the new owner or operator. Issuance of a registration permit to the new owner or operator of an eligible stationary source voids and supersedes the registration permit of the previous owner or operator.

Subp. 16. **Application for a different type of permit.** The owner or operator shall submit an application for a part 70, state, or general permit, or a different registration permit option, within 120 days of the commissioner's written request for the application if the commissioner determines that:

A. the stationary source has a history of noncompliance with applicable requirements or with its registration permit;

B. the stationary source does not qualify for a registration permit;

C. the stationary source qualifies for a different registration permit option under parts 7007.1110 to 7007.1130; or

D. the applicable requirements to which the stationary source is subject are about to or have changed substantially.

Subp. 17. **Voiding an existing permit.** The commissioner shall void a part 70 or state permit for a stationary source which is issued a registration permit. A stationary source which is covered under the terms of a general permit is no longer covered by the general permit when it is issued a registration permit. The commissioner shall void a registration permit issued under one registration permit option for a stationary source that is issued a registration permit for a different registration permit option. The commissioner shall void a registration permit for a stationary source that is issued a part 70, state or general permit.

Subp. 18. **No circumvention; permit shield.**

A. The owner or operator of a stationary source that obtains a registration permit shall be subject to enforcement action for operation without a permit if the commissioner later determines that the stationary source does not qualify for the registration permit.

B. The permit shield under part 7007.1800 shall not apply to registration permits.

Subp. 19. **List of registration permit facilities.** The commissioner shall make available to the public upon request a list of facilities that have been issued registration permits under parts 7007.1110 to 7007.1130.

Subp. 20. **Operation in more than one location.** If requested by the applicant, the registration permit may allow a stationary source to be operated in more than one location. If more than one location is proposed by the permittee, the permittee shall:

A. include in the application an identification of all geographic areas where the stationary source is authorized to operate during the course of the permit; and

B. notify the commissioner at least 48 hours in advance of each change in location, providing the exact location where the source will operate.

Subp. 21. **Registration permit; general conditions.**
Registration permits issued by the commissioner under parts 7007.1110 to 7007.1130 shall include the general conditions in items A to O, which are included in the permit by reference to part 7007.1110 as a whole.

A. Unchallenged provisions of the permit remain valid despite any successful challenges to specific portions of the permit.

B. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of state law and, if the provision is federally enforceable, of the act. Such violation is grounds for enforcement action by the commissioner, the agency, or the EPA; or for permit revocation.

C. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

D. The permit may be revoked for cause as provided in subpart 5. The filing of a request by the permittee for a different type of permit, a different registration permit option, for revocation or termination of this permit, or for a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as specifically provided in subpart 12.

E. The permit does not convey any property right of any sort, or any exclusive privilege.

F. The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for revoking the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the commissioner copies of records to be kept by the permittee.

G. The commissioner's issuance of the permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain a permit.

H. The commissioner's issuance of the permit does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the permittee.

I. The commissioner's issuance of the permit does not obligate the commissioner to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes.

J. The permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes

effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

K. The permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the commissioner by the permit. The permittee shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents. The permittee may not falsify, tamper with, render inaccurate, or fail to install any monitoring device or method required to be maintained or followed by the permit.

L. The permittee shall, when requested by the commissioner, submit within a reasonable time any information and reports that are relevant to pollution or the activities authorized under the permit.

M. If the permittee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the permit has occurred, the permittee shall immediately take all reasonable steps to minimize the adverse impact on human health or the environment resulting from the noncompliance.

N. The permit is not transferable to any person.

O. The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state, the agency, and the commissioner assume no responsibility for damages to persons, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state, the agency, and the commissioner may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.376.

Subp. 22. **Parts that do not apply to registration permits.** Parts 7007.0500 to 7007.0950; 7007.1000, subpart 1; 7007.1100; 7007.1150 to 7007.1250; 7007.1350 to 7007.1650; and 7007.1800 do not apply to registration permits under parts 7007.1110 to 7007.1130.

STAT AUTH: MS s 116.07

HIST: 19 SR 1345; 20 SR 2316; 20 SR 2253(NO. 42); 21 SR 165; 23 SR 2224

Current as of 06/15/99